In the Supreme Court of the United States

OCTOBER TERM, 1941

No. 705

RADTKE PATENTS CORPORATION AND ALBERT A. RADTKE, PETITIONERS

v.

CONWAY P. COE, COMMISSIONER OF PATENTS, AMERICAN TRI-ERGON CORPORATION, TRI-ERGON HOLDING A. G., WHITSON PHOTOPHONE CORPORATION, AND DELMAN A. WHITSON

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

MEMORANDUM FOR RESPONDENT COMMISSIONER OF PATENTS IN OPPOSITION

The present petition for a writ of certiorari seeks a review of the judgment of the United States Court of Appeals for the District of Columbia entered on June 30, 1941 (R. 2081), rehearing denied August 29, 1941 (R. 2094). A review of the same judgment is sought by the pending petition for a writ of certiorari in *American Tri-Ergon Corporation and Tri-Ergon Holding A. G.* v. *Radtke Patents Corporation, et al.*, No. 661, this Term. The petition in that case raises substantially the same questions as are presented by the instant petition. For the reasons stated in the brief for respondent Commissioner of Patents in opposition in No. 661, it is respectfully submitted that the instant petition should be denied.

CHARLES FAHY,
Solicitor General.

NOVEMBER 1941.

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U. S. GOVERNMENT PRINTING OFFICE : 1941